



Thurston County  
WATER CONSERVANCY BOARD  
Application for Change/Transfer  
Record of Decision

For Ecology Use Only
Received:
<b>RECEIVED</b>
DEC 03 2004
Reviewed by: _____
Date Reviewed: _____
Washington State Department of Ecology

Applicant: Duke Jackson, Countrywood Estates, LLC

Application Number: THUR-04-02

This record of decision was made by a majority of the board at an open public meeting of the Thurston County Water Conservancy Board held on November 21, 2004.

☒ **Approval:** The Thurston County (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on November 21, 2004 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Thurston County (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on November 21, 2004 and submits this record of decision to the Department of Ecology for final review.

Signed:

Michael Rhubright  
Michael Rhubright, Vice-Chairman  
Thurston County Water Conservancy Board

Date: 11-21-04

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Jerry Louthain  
Jerry Louthain, Secretary  
Thurston County Water Conservancy Board

Date: 11-21-04

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Jon Hare  
Jon Hare, Commissioner  
Thurston County Water Conservancy Board

Date: 11-21-04

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Tom Myrum  
Tom Myrum, Commissioner  
Thurston County Water Conservancy Board

Date: 11-21-04

Approve	<input checked="" type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

\_\_\_\_\_  
Bill Smith, Alternate Commissioner  
Thurston County Water Conservancy Board

Date: \_\_\_\_\_

Approve	<input type="checkbox"/>
Deny	<input type="checkbox"/>
Abstain	<input type="checkbox"/>
Recuse	<input type="checkbox"/>
Other	<input type="checkbox"/>

Mailed to the Department of Ecology Southwest Regional Office of Ecology, and other interested parties on \_\_\_\_\_, 2004

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer

**Thurston County**  
**WATER CONSERVANCY BOARD**

Application for Change/Transfer

**Record of Decision**

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐

Surface Water

(Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

☒

Ground Water

(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

DATE APPLICATION RECEIVED March 15, 2004	CERTIFICATE NUMBER G2-26392C (Amended)	CHANGE APPLICATION NUMBER THUR-04-02
---	---	---

NAME		PHONE	
Duke Jackson, Countrywood Estates, LLC		(360) 250-9000	
ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
P O Box 3506	Lacey	WA	98509-3506

**DECISION HISTORICAL SUMMARY**

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE 20 Acre-Feet/Year, 130 GPM Irrigation, May 1 to October 1						QUANTITY, TYPE OF USE, PERIOD OF USE 20 Acre-Feet/Year, 130 GPM Countrywood Estates Water System, year-round use					
SOURCE Future Well #7						SOURCE Countrywood Estates Water System Well Field					
NO. 7	1/4 SE	1/4 SW	SECTION 09	TOWNSHIP N. 17 N	RANGE, 1WWM	NO. 1	1/4 NW	1/4 SW	SECTION 09	TOWNSHIP N. 17 N	RANGE, 1WWM
						2	SW	SW	09	17 N	1WWM
						3	SW	SW	09	17 N	1WWM
						4	SW	SW	09	17 N	1WWM
						5	SW	SW	09	17 N	1WWM
						6	NW	SW	09	17 N	1WWM
						8	NW	SW	09	17 N	1WWM
Place of Use LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED: Lot 113 of the Plat of Countrywood Park Estates, recorded under Thurston County Auditor File No. 3453996.						Place of Use: LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED: The Proposed Plat of Millerwood, consisting of Thurston County Tax Parcel Numbers 11717430000, 11717430100, 11720110000, 11720110100, 11720130000, 11720140000, and 11721120000.					
NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,	NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,
	NE	SW NW	09 16	17 N 17 N	1WWM 1WWM		S ½ N ½	SE NE N ½	17 20 21	17 N 17 N 17 N	1WWM 1WWM 1WWM

**SEPA**

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is:    ☒ Exempt    ☐ Not exempt

**BOARD DECISION**

MAXIMUM CUB FT/ SECOND N/A	MAXIMUM GAL/MINUTE 130	MAXIMUM ACRE-FT/YR 20	TYPE OF USE, PERIOD OF USE Countrywood Estates Water System, year-round use.				
SOURCE Countrywood Estates Water System Well Field (Existing Wells # 1,2,3,4,5,6 & 8)			TRIBUTARY OF (IF SURFACE WATER) N/A				
AT A POINT LOCATED: PARCEL NO. 11709310100	1/4 NW & SW	1/4 SW	SECTION 09	TOWNSHIP N. 17 N	RANGE 1WWM.	WRIA 13	COUNTY. Thurston
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED The Proposed Plat of Millerwood. See attached Exhibit "A" for Preliminary Plat Map including complete legal descriptions.							

PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,
11717430000	S ½	SE	17	17 N	1 WWM
11717430100	S ½	SE	17	17 N	1 WWM
11720110000	N ½	NE	20	17 N	1 WWM
11720110100	N ½	NE	20	17 N	1 WWM
11720130000	SW	NE	20	17 N	1 WWM
11720140000	SE	NE	20	17 N	1 WWM
11721120000	N ½	N ½	21	17 N	1 WWM

DESCRIPTION OF PROPOSED WORKS
<p>The Countrywood Estates Water System Well Field (owned and operated by The Water Company of Washington, LLC) consists of 7 existing wells, authorized under Certificate of Water Right No. 3660-A. See the following Report of Examination for more information regarding this system.</p>

DEVELOPMENT SCHEDULE		
BEGIN PROJECT BY THIS DATE: January 1, 2006	COMPLETE PROJECT BY THIS DATE: January 1, 2016	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: January 1, 2017

# REPORT OF EXAMINATION

## BACKGROUND:

### Application.

On March 15, 2004, at a regular public meeting of Water Conservancy Board of Thurston County (the “Board”), Duke Jackson, Managing Member of Countrywood Estates, LLC, filed an application (see attached Exhibit “B”) with the Board to change the purpose of use, point of withdrawal and place of use Ground Water Certificate No. G2-26392C (Amended). See attached Exhibit “C” for copy of the subject Certificate of Water Right. This transfer application, referred to as THUR-04-02 was accepted for processing by the Board on March 15, 2004.

With a priority date of July 18,1983, the original certificate (No G2-26392) issued on April 27, 1987 authorizes the withdrawal of 430 gallons per minute (130 gallons per minutes under a primary right, 300 gallons per minute under a right supplemental to Ground Water Certificate No. 3660-A) 80 acre-feet per year (20 acre-feet per year under a primary right for the irrigation of 10 acres, and 60 acre-feet per year as a supplemental right to Ground Water Certificate No. 3660-A for the irrigation of 30 acres) from a well located within the E½ SE¼ Sec. 11, the W ½ SW ¼ Sec. 12, and the NW ¼ NW ¼ Sec. 13, T. 17 N, R. 2 W.W.M. However, this certificate has undergone two previous transfers, described below.

The first transfer, completed on February 8, 2001, changed the point of withdrawal and place of use for the entire 130 gallon per minute, 20 acre-feet per year. The second transfer, signed May 14, 2002 by the Water Conservancy Board, again changed the point of withdrawal and place of use for the entire 130 gallon per minute, 20 acre-feet per year. The currently approved point of withdrawal is Future Well #7 (located on Tax Parcel Number 11709310100), and the approved place of use is described as Lot 113 of Countrywood Park Estates, recorded under Thurston County Auditor File No. 3453996 (also known as Tax Parcel Number 11709310100). The purpose of use remained for seasonal irrigation throughout both of these previous transfers.

The objective of this application is to change the purpose of use from seasonal irrigation to municipal domestic supply and to change the place of use to a future subdivision known as Millerwood. The developer, Countrywood Estates, LLC, will build this 92-lot single-family residential subdivision on approximately 309 acres. The development application is currently being processed by Thurston County and Preliminary Plat approval expected in the Spring of 2005.

The point of withdrawal will change from future Well #7 to the well field of the Countrywood Estates Water System (owned and operated by The Water Company of Washington, LLC), consisting of 7 existing wells. A water line will be constructed to serve the Millerwood site from the existing well field. The exact location of this water line has not yet been determined.

The Countrywood Estates Water System may need to acquire or transfer additional water rights to complete the build out for the proposed 92 residential lots. Based on current Department of Health guidelines of 1/3 acre-foot per residence, the 20 acre-feet should serve at least 60 single-family residences, however conservation measures may significantly increase the number of residences.

#### **Notices.**

A public notice of the application was published two separate times, for two consecutive weeks each time, on May 10, May 17, August 1 and August 8, 2004, in The Olympian, a newspaper of general circulation within Thurston County. A copy of the Affidavits of Publication dated August 3, 2004 and August 8, 2004 are attached as Exhibit "D". In addition, a copy of this notice and a copy of the application were sent to interested parties with a deadline for written comments (by mail, fax or e-mail) of September 7, 2004.

#### **COMMENTS AND PROTESTS:**

The Board received no official objections or comments during the public comment period. The applicant's initial change/transfer application requested the proposed area of use be defined as the service area of the East Olympia Water District. The Washington State Department of Health water system plan amendment and the water rights change/transfer application were originally planned to proceed concurrently. In a letter dated August 16, 2004, (Exhibit "E") the Department of Health outlined requirements for the expanded service area. The successful completion of these requirements could not occur before the Water Conservancy Board voted on assigning a new place of use. Based on concerns from the Department of Health, the Water Conservancy Board and a property owner within the proposed service area, the applicant refined their place of use to the proposed plat of Millerwood.

#### **INVESTIGATION:**

##### **Site Investigation.**

An on-site field investigation was conducted by Commissioner Michael Rhubright at about 6:00 p.m. on June 17, 2004. Steve Harrington, the owner and operator of the Countrywood Estates Water System was present during the investigation. Commissioner Rhubright has performed two previous site investigations at this location for two earlier change/transfer applications.

Commissioner Rhubright and Mr. Harrington met at the pump house of the Group A Water System serving Countrywood Park Estates. Mr. Harrington escorted Commissioner Rhubright to the Countrywood Estates well field and described the proposed changes. Commissioner Rhubright also inspected the Countrywood Estates water system, including distribution pumps, storage and backup power supply. The Countrywood Estates residential build out was completed with clear evidence of beneficial use.

Steve Harrington took 4 digital photographs of the site for Commissioner Rhubright. The printed photos along with 3 photos from an earlier site investigation are attached as Exhibit "F" (Note: The digital files containing these photos will be included in the Board's transmittal to Department of Ecology.).

##### **State Environmental Policy Act (SEPA) Compliance.**

The governmental action relating to the subject application is exempt from the "detailed statement" preparation requirements of SEPA (WAC 197-11-800(4)). The application neither involves appropriations of one (1) cubic feet per second or more of surface water for irrigation purposes or appropriations of 2,250 gallons per minute or more of ground water for any purpose.

##### **Description of Water Right - Validity and Extent.**

A review of the existing water right certificate issued on April 27, 1987 (copy attached as Exhibit "C") authorizes the withdrawal of 130 gallons per minute, 20 acre-feet per year under a primary right. A revised Certificate of Ground Water Right has not been issued by the Washington State Department of Ecology subsequent to the approval of the two previous transfers. The application package includes a copy of the Water Conservancy Board's Record of Decision dated May 14, 2002.

The validity and extent of the water right was proven during the first transfer process, completed on February 8, 2001.

### **Impact on Other Water Rights.**

The proposed point of withdrawal (Countrywood Estates Water System well field) was the approved point of withdrawal for this same certificate prior to the transfer process completed on June 18, 2002.

Copies of the various hydrogeologic reports prepared between 1997 and 2003 by GeoEngineers that assess the location of the wells associated with Countrywood Estates Water System were resubmitted to the Water Conservancy Board for consideration during this transfer process. These reports, which included onsite draw-down pump testing, conclude that impacts to offsite wells was minimal and it is highly unlikely that any of these wells would experience interruption of water supply.

The proposed change of use from seasonal irrigation use to year-round use by a municipal water purveyor would reduce the impact on other water rights during the irrigation period because use will be distributed over a 12-month period.

The Countrywood Estates Water System has been in operation for more than one year and currently serves 112 single-family residences located within Countrywood Park Estates. No reports of water supply interruption by adjacent water right holders have been made.

### **Public Interest Considerations.**

Water service to existing and future development by a municipal water system is an improvement over existing development patterns characterized by individual wells and smaller Group B “six-pack” type water systems because it allows single source monitoring of the quantity and quality of the beneficial use by municipal water purveyor. In addition, conservation will be encouraged by individual lot metering and charges based upon consumption.

### **Relinquishment or Abandonment.**

As the water right proposed for change is in a valid exercisable certificated status, the statutory forfeiture provisions of Chapter 90.14 RCW are inapplicable. In terms of abandonment, no intent by the certificate holder to abandon said right exists, nor is anything in the historical analysis to demonstrate an intent to abandon by a previous owner.

## **CONCLUSIONS:**

1. **Validity and Extent of Water Right.** The applicant has demonstrated by the evidence presented that the quantity of water available for the proposed change of place of use and change in the point of withdrawal, is 20 acre-feet per year at a maximum instantaneous withdrawal rate of 130 gallons per minute.
2. **Relinquishment/Abandonment.** There is no evidence of statutory relinquishment pursuant to RCW 90.14, nor is there any evidence of any intent of the current or past owners to abandon the water right authorized under Ground Water Certificate No. G2-27269C.
3. **Hydrogeologic Analysis.** The location of the seven existing wells comprising the Countrywood Municipal Water System well field was addressed during the previous transfer request for this certificate, and numerous transfers that have been processed for Ground Water Certificate No. 3660-A (also associated with the Countrywood Estates Water System). These reports concluded that it was highly unlikely any offsite wells would experience interruption of the water supply as a result of the withdrawals from the wells within the Countrywood Estates Water System well field.
4. **Comments/Protests.** The Board received no objections or comments during the public comment period.
5. **Impairment of Other Water Rights.** There is no evidence that relocating the point of withdrawal to the existing Countrywood Estates Water System well field (approximately 1300 feet to the west) will result in any impairment to other water right holders.  
An extensive Hydrogeologic Report by GeoEngineer’s performed in 1997 included onsite drawdown pump testing. As this report concludes, impact to offsite wells was minimal and it is highly unlikely that any of the offsite wells would experience interruption of the water supply as a result of withdrawals on

the Countrywood Park Estates site. Most domestic wells in the area of the proposed withdrawal obtain water from the Advance Outwash aquifer and any drop in water levels are expected to be offset by infiltration from irrigation and returns from septic systems.

According to the February 11, 2003 Letter Report prepared by GeoEngineer's (copy attached as Exhibit "G"), which was submitted to the board on February 20, 2003, there are 42 water wells within 3,000 feet of the points of withdrawal (Countrywood Estates property). All of the wells appear to be for residential purposes and are between 34 and 122 feet deep. Because the location of the withdrawal is in very close proximity to the wells that were used in the onsite drawdown pump testing for Countrywood Park Estates (referenced above), any impacts to offsite wells from withdrawal from the Countrywood Park Estates well field will not adversely impair other water rights.

In addition, the proposed change of use from seasonal irrigation use to continuous community domestic would reduce the impact on other water rights during the irrigation period because the use at Millerwood will be distributed over a 12-month period.

6. **Public Interest.** Providing a single source of water for future development that is operated by a municipal water purveyor in accordance with the regulations of the State of Washington Department of Health appears to be in the public interest, from a public health perspective. In addition, moving the place of use down stream to the proposed plat of Millerwood will provide a net gain for Spurgeon Creek due to groundwater recharge from the infiltration of on-site septic systems and residential landscape irrigation. Also, changing the period of use for municipal purposes will reduce the impact on the groundwater during the dry summer months. This will result in a net benefit for the instream flows of Spurgeon Creek and the Deschutes River, both classified as salmon bearing streams.

## **DECISION:**

Based on conclusions above, the decision of the Board is to approve the water right transfer application of Duke Jackson of Countrywood Estates, LLC to provide the following changes to Amended Groundwater Certificate No. G2-26392C:

1. The point of withdrawal shall be the existing well field of the Countrywood Estates Water System, located in the NW and SW¼ of the SW¼ of Section 09, Township 17N, Range 1, WWM, Thurston County Tax Parcel No.11709310100.
2. The maximum water right transfer authorized is 130 gallons per minute and 20 acre-feet per year.
3. The place of use shall be the Proposed Plat of Millerwood, consisting of Tax Parcel Numbers 11717430000, 11717430100, 11720110000, 11720110100, 11720130000, 11720140000, and 11721120000. Specific legal descriptions of the place of use are included on the Preliminary Plat Map attached as Exhibit "A".

## **PROVISIONS:**

### **A. Issuance of Superceding Certificate:**

The Department of Ecology shall issue a revised Certificate for Water Right No. G2-26392C to The Water Company of Washington, LLC to reflect the changes authorized under this transfer.

### **B. Development Schedule:**

1. The development schedule for the completion of the certificated water right is as follows:
  - a. Begin construction of the water system by January 1, 2006
  - b. Complete construction of the water system by January 1, 2016
  - c. Put water to full use by January 1, 2017, provided that, for good cause shown, the dates set forth herein may be extended by the Department of Ecology upon request of the right holder.

**C. Construction and Operational Requirements:**

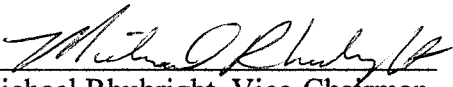
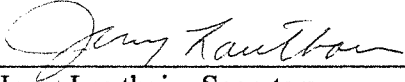
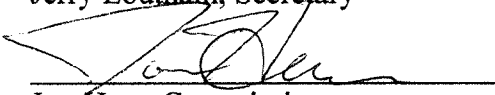
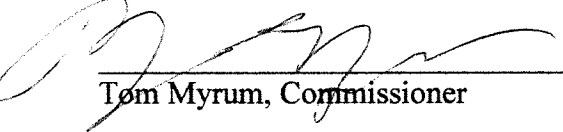
1. In accordance with Chapter 173-160 WAC, wells shall not be located with certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations, as appropriate. In general, wells shall be located at least 100 feet from sources of contamination. Wells shall not be located within 1,000 feet of a solid waste landfill.
2. All wells constructed in the State shall meet the construction requirements of Chapter 173-160 WAC entitled "Minimum Standards for the Construction and Maintenance of Wells" and Chapter 18.104 RCW entitled "Water Well Construction Act (1971)."
3. An approved metering device shall be installed and maintained in accordance with RCW 90.03.360, RCW 90.44.450 and WAC 508-64-020 through B040, and WAC 508-12-030. Meter readings shall be recorded at least monthly.
4. A completed well report of the well shall be submitted by the driller to the Department of Ecology within 30 days of completing each well. All pump test data for a well shall be submitted to the Department of Ecology as it is obtained.
5. Installation and maintenance of an access port as described in Chapter 173-160 WAC is required. An air line and gauge may be installed in addition to the access port.
6. This authorization to make use of public waters of the State is subject to senior existing rights, including any existing rights that may exist of a senior priority held by the United States for the benefit of Tribes under treaty or executive order.
7. Water-pumpage, well monitoring, and static water-level data, along with a summary and analysis of the data, shall be submitted annually, or more frequently upon request, to Ecology's Southwest Regional Office Water Resources Program.
8. The permittee is advised that notice of Proof of Appropriation of water (under which the final certificate of water right is issued) should not be filed until the permanent distribution system has been constructed and that quantity of water allocated by the permit to the extent water is required, has been put to full beneficial use.
9. Under RCW 90.03.005 and RCW 90.54.020(6), conservation and improved water use efficiency must be emphasized in the management of the State's water resources, and must be considered as a potential new source of water. Accordingly, as part of the terms of this water right transfer, the applicant shall prepare and implement a water conservation plan approved by the Department of Health. The standards for such a plan may be obtained from either the Department of Health or the Department of Ecology.
10. The applicant is not permitted to withdraw water as provided in the Decision of Approval of Changes until a final decision by the director of the Department of Ecology is rendered as provided in RCW 90.80.080.

APPROVAL/REJECTION:

Approval/Rejection:

The Water Conservancy Board of Thurston County hereby recommends approval for the water right changes described within this record decision on November 21, 2004 and submits this Record of Decision and Report of Examination to the director of the Department of Ecology for final review and departmental action.

Signed:

 Michael Rhubright, Vice-Chairman	Date: <u>11-21-04</u> <u>Accepts</u> /Rejects/Abstains
 Jerry Louthain, Secretary	Date: <u>11-21-04</u> <u>Accepts</u> /Rejects/Abstains
 Jon Hare, Commissioner	Date: <u>11-21-04</u> <u>Accepts</u> /Rejects/Abstains
 Tom Myrum, Commissioner	Date: <u>11-21-04</u> <u>Accepts</u> /Rejects/Abstains

Rejection Opinion:

None.

Delivered to the Director, Washington State Department of Ecology and Southwest Regional Office Department of Ecology on ~~November~~ December 3, 2004, 2004 <sup>NR</sup>  
Date Mailed to Applicant and Interested Parties: ~~November~~ December 3, 2004, 2004 <sup>NR</sup>

LIST OF EXHIBITS

- Exhibit A: Millerwood Preliminary Plat Map
- Exhibit B: Application THUR-04-02 for Change/Transfer of Water Right
- Exhibit C: Amended Certificate of Water Right Number G2-26392C
- Exhibit D: Affidavits of Publication from The Olympian for Public Notice
- Exhibit E: Department of Health Letter
- Exhibit F: Site Investigation Photos
- Exhibit G: GeoEngineers Hydrogeologic Study



**For attachments not included or for more information please contact:**

**Don Davidson  
Water Resources Program  
Department of Ecology, Southwest Region Office  
300 Desmond Drive  
Lacey, WA 98504-7775  
(360) 407-0275 phone**

[ddav461@ecy.wa.gov](mailto:ddav461@ecy.wa.gov)